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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,994	12/03/2001	Bryce A. Jones	1644	9230
28/005	7590	05/14/2008		
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			05/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/004,994

Applicant(s)

JONES ET AL.

Examiner

RAMY M. OSMAN

Art Unit

2157

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 17-25 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 17-25 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to amendment filed January 17, 2008, Applicant amended claims 1,21,23, cancelled claims 14-16, 26-27, and added new claims 31-33. Claims 13,17-25,28-33 remain pending.

Response to Arguments

2. Applicant's arguments, filed 1/17/2008, with respect to claims 13,17-25,28-33 have been fully considered but are not persuasive.

3. Applicant argues that Garret does not teach (i) positive authentication, and (ii) disallowing a predetermined type of communication from passing from the subscriber to outside of the access network.

In reply, Garret does indeed teach this. Garret discloses a subscription-authorization process for positively authentication subscribers in order to provide the subscribers with service(s) (§ 33). Garret further discloses differentiating services for different subscribers by limiting service communication via policies and type-of service, which designates service classes (§ 41 and 43). This sort of differentiating between services inherently involves disallowing certain types of communication because each subscriber only has a limited number of services which they are granted access to.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 31 recites the limitation "the client station" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 13-16,18-27,30 rejected under 35 U.S.C. 102(e) as being unpatentable over Garrett et al (US Patent Publication No 20020013844).**

8. In reference to claims 13,21 and 23, Garrett teaches corresponding methods and communication system comprising:

receiving from a subscriber on an access network an authentication request, the authentication request identifying the subscriber and identifying a designated service provider from among a plurality of service providers (¶ 23 and middle of ¶ 33);

sending the authentication request to the designated service provider (¶ 36 lines 5-10);

receiving from the designated service provider an authentication response indicating successful authentication of the subscriber by the designated service provider, wherein the authentication response includes a service qualification, that indicates at least one of (i) one or

more types of services authorized for the subscriber and (ii) one or more extents of service authorized for the subscriber; (§ 33, last sentence of § 35 and first half of § 36)

responsive to the authentication response, assigning the subscriber to operate in a designated layer of the access network set aside for subscribers that have been authenticated by the designated service provider and to operate according to the service qualification (second half of § 36), wherein the access network is an IP network and the designated layer is an IP subnet, and wherein assigning the subscriber to operate in the designated layer comprises assigning to the subscriber an IP address in the IP subnet (§ 33 and second half of § 34); and

serving the subscriber in the designated layer of the access network (§ 41),
wherein serving the subscriber in the designated layer comprises handling communications with the subscriber according to a logic set established for the designated layer (§ 41),

wherein handling communications with the subscriber according to the logic set established for the designated layer comprises: detecting a packet bearing the IP address assigned to the subscriber; and responsively applying the logic set to restrict transmission of the packet (§ 41)

wherein handling communications with the subscriber according to the logic set established for the designated layer comprises disallowing a predetermined type of communication from passing from the first logical layer to outside of the access network (§ 41 and 43).

9. In reference to claim 18, Garrett teaches the method of claim 13, further comprising prompting the subscriber to provide the authentication request (§ 33 lines 10-20).

10. In reference to claim 19, Garrett teaches the method of claim 18, wherein prompting the subscriber for the authentication request comprises: presenting to the subscriber a set of the plurality of service providers; and prompting the subscriber to select a service provider from among the plurality presented, wherein the subscriber selects the designated service provider from among the plurality (§ 33 lines 10-20).

11. In reference to claim 20, Garrett teaches the method of claim 13, wherein the access network comprises a wireless access (§ 3 and second half of § 45).

12. In reference to claims 22 and 24, Garrett teaches the method of claim 20, further comprising:

prompting a second client station to select a service provider from among a plurality of service providers, and receiving a signal from the second client station, indicating a second selected service provider (§ 23 and middle of § 33);

sending a second authentication request message for the second client station to the second selected service provider, the second authentication request message indicating authentication information for the second client station (§ 36 lines 5-10);

receiving a first authentication response message from the second selected service provider, the first authentication response message indicating that second client station is authenticated by the first selected service provider (last sentence of § 35 and first half of § 36);
and

in response to the second authentication response message, restricting the client station to communications in a second logical layer of the access network associated with the second selected service provider (second half of § 36).

13. In reference to claim 25, Garrett teaches the method of claim 15, further comprising:

before receiving the first indication, assigning the first subscriber to operate in a default logical layer of the access network; and handling communications in the default logical layer according to a default logic set different than the first logic set (§ 30).

14. In reference to claim 30, Garrett teaches the method of claim 13, wherein the subscriber communicates via an air interface with the access network (§ 3 and second half of § 45).

15. In reference to claims 31-33, Garrett teaches the method of claims 13,21,23 respectively, wherein disallowing at least the predetermined type of communication from passing from the subscriber to outside of the access network comprises disallowing all communications from passing from the client station to outside of the access network (§ 41 and 43).

16. Claims 17,28,29 rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al (US Patent Publication No 20020013844) in view of Cottingham (US Patent No 6,339,761).

17. In reference to claims 17,28,29, Garrett teaches the method of claim 13, wherein serving the subscriber in the designated layer of the access network comprises:

a gateway on the access network detecting a web page being sent to the subscriber (Figure 1 reference # 130). Garrett fails to explicitly teach the gateway modifying the web page to include an advertisement for the designated service provider. However, Cottingham teaches an Internet Service Provider advertising system wherein is disclosed inserting advertisements into provided web pages so that the ISP can target customers for business (column 2 lines 20-67 and column 5 lines 33-67). It would have been obvious for one of ordinary skill in the art to

modify Garrett by injecting into the web page information specific to the first service provider as per the teachings of Cottingham so that the ISP can target customers for business.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M. O./
Examiner, Art Unit 2157
May 9, 2008

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157